

Your request sought:

“Under the Freedom of Information Act 2014, I am seeking the following:

*The number of referrals made to GSOC under Section 102 of the Garda Síochána Act 2005 which relates to death following a road traffic collision during a pursuit for the years **2007 - 2020**. This figure was given as 5 in 2021, I would like the figure for each previous year.”*

Please note -

- The specific data requested is only retrievable for the period 2017-2022 inclusive. The data that is available for previous years is provided below, though it does not contain the full detail requested. Appropriate framing/ explanatory information is provided.

- Further information on the s102 referral process is also included below for reference.

From 2022 – 2017 GSOC disaggregated information in relation to the circumstances of referrals enabling us to report on fatal road traffic collisions on foot of pursuits.

2022

GSOC received 41 referrals under this section of the Act in 2020. Two (2) of these referrals related to fatalities following a road traffic collision on foot of a pursuit.

2021

GSOC received 59 referrals under this section of the Act in 2020. Five (5) of these referrals related to fatalities following a road traffic collision on foot of a pursuit.

2020

GSOC received 43 referrals under this section of the Act in 2020. Four (4) of these referrals related to fatalities following a road traffic collision on foot of a pursuit.

2019

GSOC received 40 referrals under this section of the Act in 2019. Three (3) of these referrals related to fatalities following a road traffic collision on foot of a pursuit.

2018

GSOC received 38 referrals under this section of the Act in 2018. Two (2) of these referrals related to fatalities following a road traffic collision on foot of a pursuit.

2017

GSOC received 24 referrals under this section of the Act in 2017. One (1) of these referrals related to fatalities following a road traffic collision on foot of a pursuit.

In 2016 & 2015, GSOC is in a position to provide data on the number of referrals arising from fatal road traffic collisions, but is not able to specify which of these may be on foot of pursuits.

2016

GSOC received 51 referrals under this section of the Act. Five (5) of these referrals related to fatalities following a road traffic collision.

2015

GSOC received 52 referrals under this section of the Act. Five (5) of these referrals related to fatalities following a road traffic collision.

From 2014 - 2010, GSOC did not disaggregate information in relation to the circumstances surrounding road traffic collisions. The following information provides figures for the number of referrals arising from road traffic collisions, as well as the number of referrals arising from fatalities. It is not possible to indicate whether any of the road traffic referrals resulted in a fatality, nor is it possible to indicate whether or not any of them was on foot of pursuit.

2014

GSOC received 52 referrals under this section of the Act in 2014. Nineteen (19) referrals relates to road traffic collisions. Of the 52 referrals, fifteen (15) of the referrals related to fatalities.

2013

GSOC received 41 referrals under this section of the Act in 2013. Sixteen (16) referrals relate to road traffic collisions. Of the 41 referrals, eight (8) of the referrals related to fatalities.

2012

GSOC received 72 referrals under this section of the Act in 2012. Twenty-eight (28) relate to road traffic collision. Of the 72 referrals, thirteen (13) of the referrals related to fatalities.

2011

GSOC received 90 referrals under this section of the Act in 2011. Forty-one (41) referrals relate to traffic incidents. Of the 90 referrals, twenty-three (23) of the referrals related to fatalities.

2010

GSOC received 103 referrals under this section of the Act in 2010. Forty-seven (47) referrals relate to traffic incidents. Of the 103 referrals, thirteen (13) of the referrals related to fatalities.

From 2009 - 2007, GSOC did not disaggregate information in relation to the circumstances surrounding fatal road traffic collisions. The following information reports on the number of fatal road traffic collisions however it doesn't enable us to report if the fatal road traffic were on foot on pursuits.

2009

GSOC received 104 referrals under this section of the Act in 2009. Fifty-two (52) referrals relate to traffic incidents. Of the 104 referrals, six (6) of the referrals related to fatalities following road traffic collisions.

2008

GSOC received 129 referrals under this section of the Act in 2008. Forty-six (46) referrals relate to traffic incidents. Of the 129 referrals, eight (8) of the referrals related to fatalities following road traffic collision.

2007

GSOC received 247 referrals under this section of the Act in 2007. Of the 247 referrals, six (6) related to fatalities following road traffic collisions.

When is a Referral made to GSOC by An Garda Síochána?

Section 102 of the Act provides for independent investigation of any matter that appears to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of, or serious harm to, a person. The provision forms an important element of the State's framework for the guarantee of compliance with its obligations under Article 2 and 3 of the European Convention on Human Rights.

The power to refer is delegated by the Garda Commissioner to superintendents whose responsibility it is to decide if it is appropriate to refer an incident, in order that it be investigated independently.

How GSOC investigates matters under Section 102

Once GSOC receives a referral from the Garda Síochána, we must investigate the matter.

We aim to respond proportionately, according to the circumstances. It is sometimes the case that, following the initial examination, it is clear that there is no evidence of misbehaviour or criminality. At the other end of the scale, sometimes it is appropriate to undertake a full criminal investigation and refer the case to the DPP.

If there has been a fatality, there must be particular consideration given to the State's obligation under Article 2 of the European Convention on Human Rights (ECHR). Article 2 states that everyone's right to life shall be protected by law. The European Convention on Human Rights Act, 2003 requires that Irish state bodies including An Garda Síochána, perform their functions "in a manner compatible with the State's obligations under the convention provisions".

To be compliant with Article 2, investigations into deaths following police contact should adhere to five principles developed by the European Court of Human Rights. These are:

- Independence
- Adequacy
- Promptness
- Public scrutiny
- Victim involvement.

These principles are at the heart of GSOC's approach to investigating fatalities.